



30 MAY 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
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In re Application of
MONTAGNER
Application No.: 09/913,408
PCT No.: PCT/EP99/04749
Int. Filing Date: 07 July 1999
Priority Date: 16 February 1999
For: METHOD FOR MOULDING RADIUS
BOTTOM CORNERS ON WOODEN OR SIMILAR
PANELS COATED WITH THERMOFORMED
POLYMER SHEETS AND PANELS OBTAINED
WITH THAT METHOD

DECISION

The above-identified application is before the PCT Legal Office for consideration of matters under 35 U.S.C. 371.

On 07 July 1999, applicant filed international application No. PCT/EP99/04749, which claims a priority date of 16 February 1999 and designates the United States. On 15 September 2000, a Demand was filed extending the deadline for entering the U.S. national stage to thirty months or midnight of 16 August 2001.

On 14 August 2001, applicant filed a transmittal letter for entry into the national stage in the United States (Form PTO-1390) which was accompanied by, *inter alia*, payment of the full U.S. basic national fee and a copy of the international application. The submission, identifying PCT/EP99/04749, was assigned U.S. application number 09/913,408.

Thereafter, on 18 September 2001, applicant, with a transmittal letter referencing application no. 09/913,408, filed a declaration and power of attorney and a request for a refund based on a small entity statement. These papers and a copy of the transmittal letter sent with the original national stage papers were date-stamped 18 September 2001 and assigned U.S. application no. "09/936,813".

A Notification of Missing Requirements in application no. 09/913,408 was mailed on 04 October 2001 indicating that an oath or declaration in compliance with 37 CFR 1.497 was

required.. Applicant responded on 16 October 2001, indicating that an executed declaration was submitted on 18 September 2001 and providing an itemized date-stamped receipt. The declaration submitted was defective as it did not identify the application to which it is directed and thus, is not in compliance with 37 CFR 1.497(a)(2) (which requires that the declaration "identif[y] the specification to which it is directed"). The surcharge for filing the declaration after the thirty month period was paid. On 05 December 2001, a Notice of Acceptance was incorrectly mailed in application no. 09/913,408 indicating a 35 U.S.C. 371 date of 16 October 2001.

With regard to application no. 09/936,813, a Notice of Missing Requirements mailed on 07 May 2002 and Notification of Acceptance mailed on 17 March 2003 are hereby VACATED.

With regard to application no. 09/913,408, a Notice of Missing Requirements mailed on 04 October 2001 remains in effect. However, the Notification of Acceptance mailed on 05 December 2001 is hereby VACATED.

The papers assigned 09/936,813 will be retained in the application file 09/913,408. The basic national fee of \$430 paid in 09/936,813 will be credited to applicant's deposit account.

Applicant is advised that all future communication regarding **PCT/EP99/04749** should reference U.S. serial no. **09/913,408**.

A proper response, that is, an oath or declaration in compliance with 37 CFR 1.497, must be filed within **ONE (1) MONTH** from the mail date of this decision, or within the time remaining in the Notification of Missing Requirements, whichever is longer. Failure to timely respond will result in the ABANDONMENT of the application. No extensions of time are available.

Any further correspondence with respect to this matter should include a cover letter entitled "Renewed Petition under 37 CFR 1.497" and be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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